

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) [set out above] and section 301 of title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

#### PART I—WAKE ISLAND

SECTION 101. The Secretary of the Interior shall be responsible for the civil administration of Wake Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Wake Island other than the authority contained in the act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 102. The executive, legislative, and judicial authority provided for in section 101 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 103. Executive Order No. 6935 of December 29, 1934, to the extent that it pertains to Wake Island, is hereby superseded.

#### PART II—MIDWAY ISLAND

[Superseded by Ex. Ord. No. 13022, §1, Oct. 31, 1996, 61 F.R. 56875]

#### PART III—MISCELLANEOUS PROVISIONS

SECTION 301. The provisions of each of the foregoing Parts of this order shall continue in force until the Congress shall provide for the civil administration of the affected Island or until such earlier time as the President may specify.

SEC. 302. As used herein, the terms "Wake Island" and "Midway Island" include the reefs appurtenant to, and the territorial waters of, Wake Island and Midway Island, respectively.

SEC. 303. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 304. This order shall not be deemed to affect Executive Order No. 9709 of March 29, 1946, or Executive Order No. 9797 of November 6, 1946.

SEC. 305. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the act of June 15, 1950.

#### EX. ORD. NO. 13022. ADMINISTRATION OF THE MIDWAY ISLANDS

Ex. Ord. No. 13022, Oct. 31, 1996, 61 F.R. 56875, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 48 of the Hawaii Omnibus Act, Public Law 86-624 [set out above], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. The Midway Islands, Hawaiian group, and their territorial seas, located approximately between the parallels of 28 degrees 5 minutes and 28 degrees 25 minutes North latitude and between the meridians of 177 degrees 10 minutes and 177 degrees 30 minutes West longitude, were placed under the jurisdiction and control of the Department of the Navy by the provisions of

Executive Order 199-A of January 20, 1903, and Part II of Executive Order 11048 of September 4, 1962, and are hereby transferred to the jurisdiction and control of the Department of the Interior. The provisions of Executive Order 199-A of January 20, 1903, and the provisions of Executive Order 11048 of September 4, 1962, that pertain to the Midway Islands are hereby superseded.

SEC. 2. The Midway Islands Naval Defensive Sea Area and the Midway Islands Naval Airspace Reservation are hereby dissolved. The provisions of Executive Order 8682 of February 14, 1941, as amended by Executive Order 8729 of April 2, 1941, are hereby superseded.

SEC. 3. (a) The Secretary of the Interior, through the United States Fish and Wildlife Service, shall administer the Midway Islands as the Midway Atoll National Wildlife Refuge in a manner consistent with Executive Order 12996 of March 25, 1996 [16 U.S.C. 668dd note], for the following purposes:

- (1) maintaining and restoring natural biological diversity within the refuge;
- (2) providing for the conservation and management of fish and wildlife and their habitats within the refuge;
- (3) fulfilling the international treaty obligations of the United States with respect to fish and wildlife;
- (4) providing opportunities for scientific research, environmental education, and compatible wildlife dependent recreational activities; and
- (5) in a manner compatible with refuge purposes, shall recognize and maintain the historic significance of the Midway Islands consistent with the policy stated in Executive Order 11593 of May 13, 1971 [16 U.S.C. 470 note].

(b) The Secretary of the Interior shall be responsible for the civil administration of the Midway Islands and all executive and legislative authority necessary for that administration, and all judicial authority respecting the Midway Islands other than the authority contained in 48 U.S.C. 644a.

SEC. 4. Any civil or criminal proceeding that is pending under the Midway Islands Code, 32 CFR Part 762, upon the date of this order, shall remain under the jurisdiction of the Secretary of the Navy. Actions arising after the date of this order are the responsibility of the Secretary of the Interior and shall be administered pursuant to regulations promulgated by the Secretary of the Interior.

SEC. 5. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 6. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General of the United States to represent the legal interests of the United States in civil or criminal cases arising under the provisions of 48 U.S.C. 644a.

WILLIAM J. CLINTON.

#### DELEGATION OF FUNCTIONS

Ex. Ord. No. 11230, June 28, 1965, 30 F.R. 8447, under which the functions of the President under section 5(e) of the Hawaii Statehood Act of Mar. 18, 1959, [set out above], were delegated to the Director of the Bureau of the Budget [now Director of Office of Management and Budget], was superseded by Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out under section 301 of Title 3, The President.

#### §§ 491 to 503. Omitted

#### CODIFICATION

Sections 491 to 503, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 491, act Apr. 30, 1900, ch. 339, §2, 31 Stat. 141, gave name Territory of Hawaii to Hawaiian Islands.

Section 492, act Apr. 30, 1900, ch. 339, §3, 31 Stat. 141, established a Territorial government with its capital at Honolulu.

Section 493, act Apr. 30, 1900, ch. 339, §1, 31 Stat. 141, defined "the laws of Hawaii" as used in this chapter.

Section 494, act Apr. 30, 1900, ch. 339, § 4, 31 Stat. 141, granted United States citizenship to citizens of former Republic of Hawaii and Territorial citizenship to United States citizens resident in Territory under certain conditions.

Section 495, acts Apr. 30, 1900, ch. 339, § 5, 31 Stat. 141; May 27, 1910, ch. 258, § 1, 36 Stat. 443; Apr. 12, 1930, ch. 136, § 1(a), 46 Stat. 160; June 6, 1932, ch. 209, § 116(b), 47 Stat. 205, made applicable to Territory the United States Constitution and all other laws of the United States including laws carrying general appropriations.

Section 496, act Apr. 30, 1900, ch. 339, § 6, 31 Stat. 142, continued in force laws of Hawaii not inconsistent with the Constitution or laws of the United States.

Section 497, act Apr. 30, 1900, ch. 339, § 74, 31 Stat. 155, continued in force laws of Hawaii relating to agriculture and forestry subject to modification by Congress or the Legislature.

Section 498, act Apr. 30, 1900, ch. 339, § 102, 31 Stat. 161, related to abolishment of laws related to postal savings banks.

Section 499, Joint Res. July 7, 1898, No. 55, § 1, 30 Stat. 751, provided for assumption of public debt of Hawaii existing on July 7, 1898, not to exceed \$4,000,000.

Section 500, act Apr. 30, 1900, ch. 339, § 9, 31 Stat. 143, amended the laws of Hawaii to read "Governor of the Territory" or "Territory" as the context required whenever reference was made to "President of the Republic" or "Republic" in the laws.

Section 501, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, continued in effect and transferred to Territory of Hawaii prior rights in favor and against the former Republic of Hawaii and preserved all criminal proceedings.

Section 502, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, prohibited suits for specific performance of personal labor contracts.

Section 503, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, provided that contracts made between Apr. 12, 1898, and Apr. 30, 1900, providing for service for a definite term, should be null and void.

**§ 504. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(6), 66 Stat. 279**

Section, act Apr. 30, 1900, ch. 339, § 10, 31 Stat. 143, related to applicability of immigration contract labor law. See section 1151 et seq. of Title 8, Aliens and Nationality.

**§§ 505 to 518. Omitted**

**CODIFICATION**

Sections 505 to 518, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 505, act Apr. 30, 1900, ch. 339, § 11, 31 Stat. 144, prescribed the style of process in courts.

Section 506, act Apr. 30, 1900, ch. 339, §§ 95, 96, 31 Stat. 160, made certain fisheries free to United States citizens subject to vested rights.

Section 507, act Apr. 30, 1900, ch. 339, § 96, 31 Stat. 160, provided for condemnation of private fishing rights.

Section 508, acts Apr. 30, 1900, ch. 339, § 97, 31 Stat. 160; July 1, 1944, ch. 373, title IX, § 913, formerly title VI, § 611, 58 Stat. 714, provided that jurisdiction of health laws remain under the control of Territory of Hawaii.

Section 509, act Apr. 30, 1900, ch. 339, § 98, 31 Stat. 161, allowed American registry of Hawaiian-registered vessels.

Section 510, acts Apr. 30, 1900, ch. 339, § 89, 31 Stat. 159; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561; June 29, 1954, ch. 418, 68 Stat. 323, placed control of wharves and landings under Territory of Hawaii.

Section 511, acts Apr. 30, 1900, ch. 339, § 91, 31 Stat. 159; May 27, 1910, ch. 258, § 7, 36 Stat. 447; June 19, 1930, ch. 546, 46 Stat. 789; Aug. 21, 1958, Pub. L. 85-719, § 1, 72 Stat. 709, gave to Territory of Hawaii control of public property ceded to United States by Republic of Hawaii and allowed transfer of title to political subdivisions of Territory.

Section 512, act May 26, 1906, ch. 2561, 34 Stat. 204, made provision for sale, lease, or disposal of personal or movable property ceded to the United States.

Section 513, act Jan. 14, 1903, ch. 186, §§ 1, 2, 32 Stat. 770, called for recoinage of Hawaiian silver coins into subsidiary silver coins of the United States.

Section 514, act Jan. 14, 1903, ch. 186, § 3, 32 Stat. 771, allowed any collector of customs or internal revenue to exchange United States coins in his custody for Hawaiian coins under regulations of Secretary of the Treasury.

Section 515, act Jan. 14, 1903, ch. 186, § 4, 32 Stat. 771, allowed recoinage of mutilated or abraded Hawaiian coins into subsidiary coinage of the United States by any mint of the United States.

Section 516, act Jan. 14, 1903, ch. 186, § 6, 32 Stat. 771, made unlawful circulation as money of any silver certificate issued by government of Hawaiian Islands prior to Jan. 14, 1903.

Section 517, act Jan. 14, 1903, ch. 186, § 7, 32 Stat. 771, limited redemption of Hawaiian silver certificates or silver coin to redemption in manner and upon conditions set for recoinage of Hawaiian silver.

Section 518, act Apr. 30, 1900, ch. 3390, § 105, as added July 9, 1921, ch. 42, § 315, 42 Stat. 120, prohibited employment as a mechanic or laborer on any public work of persons not citizens of the United States or eligible for such citizenship.

**§ 518a. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449**

Section, act Jan. 2, 1942, ch. 646, 55 Stat. 881, related to employment of nationals of the United States on public works in Hawaii during the national emergency.

**§ 519. Omitted**

**CODIFICATION**

Section, acts Apr. 30, 1900, ch. 339, § 55, 31 Stat. 150; May 27, 1910, ch. 258, § 4, 36 Stat. 444; July 9, 1921, ch. 42, § 302, 42 Stat. 116; June 6, 1926, ch. 512, §§ 1, 2, 44 Stat. 710, 711, which required two-year residence for grant of a divorce, was omitted in view of admission of Hawaii into the Union.

**§ 520. Repealed. Mar. 26, 1934, ch. 88, § 1, 48 Stat. 467**

Section, act May 23, 1918, ch. 84, § 1, 40 Stat. 560, prohibited manufacture, sale, transport, etc., of intoxicating liquors.

**§§ 531 to 535. Omitted**

**CODIFICATION**

Sections 531 to 535, relating to Territory of Hawaii, were omitted in view of admission of Hawaii into the Union.

Section 531, acts Apr. 30, 1900, ch. 339, § 66, 31 Stat. 153; July 9, 1921, ch. 42, § 303, 42 Stat. 116, vested executive power in a governor and set out his age and residence requirements, appointment, term, and powers in general.

Section 532, act Apr. 30, 1900, ch. 339, § 67, 31 Stat. 153, made governor responsible for the execution of all laws and granted him other executive powers.

Section 533, act Apr. 30, 1900, ch. 339, § 68, 31 Stat. 153, vested in governor powers and duties of specified former officials.

Section 534, acts Apr. 30, 1900, ch. 339, § 69, 31 Stat. 154; July 2, 1932, ch. 389, 47 Stat. 565; Aug. 21, 1958, Pub. L. 85-714, 72 Stat. 707, called for appointment of a Secretary of Hawaii and set out powers and duties of his office.

Section 535, act Apr. 30, 1900, ch. 339, § 70, 31 Stat. 154, called for secretary to perform duties of governor in event of governor's death, removal, resignation, or disability.